other evasive actions that could impede or compromise the investigation.

(2) From subsection (d) because release of investigative records to an individual who is the subject of an investigation could interfere with pending or prospective law enforcement proceedings, constitute an unwarranted invasion of the personal privacy of third parties, reveal the identity of confidential sources, or reveal sensitive investigative techniques and procedures.

(3) From subsections (d)(2), (3), and (4) because amendment or correction of investigative records could interfere with pending or prospective law enforcement proceedings, or could impose an impossible administrative and investigative burden by requiring the Review Board continuously to retrograde its investigations attempting to resolve questions of accuracy, relevance, timeliness, and completeness.

(4) From subsection (e)(1), because it is often impossible to determine relevance or necessity of information in the early stages of an investigation. The value of such information is a question of judgment and timing; what appears relevant and necessary when collected may ultimately be evaluated and viewed as irrelevant and unnecessary to an investigation.

(5) From subsection (e)(4)(G) and (H), because the Review Board is claiming an exemption for subsections (d) (Access to Records) and (f) (Agency Rules) of the Act, these subsections are inapplicable to the extent that these systems of records are exempted from subsections (d) and (f).

(6) From subsection (f) because procedures for notice to an individual pursuant to subsection (f)(1) as to the existence of records pertaining to the person dealing with an actual or potential investigation must be exempted because such notice to an individual would be detrimental to the successful conduct of a pending or future investigation. In addition, mere notice of an investigation could inform the subject or others that their activities either are, or may become, the subject of an investigation and might enable the subjects to avoid detection or to destroy assassination records. Since the Review Board is claiming an exemption for subsection (d) of the Act (Access to Records) the rules require pursuant to subsection (f)(2) through (5) are inapplicable to these systems of records to the extent that these systems of records are exempted from subsection (d).

(c) The systems of records entitled ''Employment Applications'' and ''Personal Security Files'' consist in part of investigatory material compiled by the Review Board for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or Federal contracts, the release of which would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence. Therefore, to the extent that information in these systems falls within the coverage of Exemption (k)(5) of the Privacy Act, 5 U.S.C. 552a(k)(5), these systems of records are eligible for exemption from the requirements of subsection (d)(1), because release would reveal the identity of a source who furnished information to the Government under an express promise of confidentiality. Revealing the identity of a confidential source could impede future cooperation by sources, and could result in harassment or harm to such sources.

Dated: December 8, 1995.

David G. Marwell,

Executive Director, Assassination Records Review Board.

[FR Doc. 95–30384 Filed 12–13–95; 8:45 am]

BILLING CODE 6118–01–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 10

[Docket No. 9511277–5277–01]

RIN 0651–AA65

Cross-Appeals in Patent and Trademark Office Disciplinary Proceedings

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: The Patent and Trademark Office (PTO) is amending a rule of practice in disciplinary cases to provide a time period for filing a cross-appeal to the Commissioner of Patents and Trademarks after the initial decision of the Administrative Law Judge (ALJ). This amendment will simplify the appeals practice in disciplinary cases by eliminating the need to file contingent appeals.

EFFECTIVE DATE: January 16, 1996.

FOR FURTHER INFORMATION CONTACT: Karen L. Bovard, 703–308–5316.

SUPPLEMENTARY INFORMATION: The PTO issued a second notice of proposed rulemaking to amend a rule of practice in practitioner disciplinary proceedings. 60 FR 4395, Jan. 23, 1995. Under the existing practice, after the ALJ's initial decision, a party (either the respondent or the Director of the Office of Enrollment and Discipline) might be obliged to file a contingent appeal to protect cross-appealable issues in the event the opposing party filed an appeal. The amended rule provides a time period for the party to file a cross-appeal after the opposing party has appealed to the Commissioner from the ALJ's initial decision.

No comment to the second notice of proposed rulemaking was received. The proposed rule is adopted.

Other Considerations

This rule change conforms with the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), Executive Orders 12612 and 12866, and the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that the rule change will not have a significant impact on a substantial number of small entities (Regulatory Flexibility Act, 5 U.S.C. 605(b)). The principal impact of the rule change is to provide a time period to file a cross-appeal in a PTO disciplinary proceeding. See the first notice of proposed rulemaking. 58 FR at 38996.

The PTO has determined that the rule change has no Federalism implications affecting the relationship between the National Government and the States as outlined in Executive Order 12612. The rule change is not significant for the purposes of Executive Order 12866.

The rule change will not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, since no recordkeeping or reporting requirements within the coverage of the Act are placed upon the public.

List of Subjects in 37 CFR Part 10

Administrative practice and procedure, Inventions and patents, Lawyers, Reporting and recordkeeping requirements.

Pursuant to the authority contained in 35 U.S.C. 6, the PTO amends 37 CFR part 10 as follows:

PART 10—REPRESENTATION OF OTHERS BEFORE THE PATENT AND TRADEMARK OFFICE

1. The authority citation for 37 CFR part 10 continues to read as follows:

Authority: 5 U.S.C. 500; 15 U.S.C. 1123; 35 U.S.C. 6, 31, 32, 41.

2. Section 10.155 is amended by revising paragraph (a) to read as follows:

§ 10.155 Appeal to the Commissioner.

(a) Within thirty (30) days from the date of the initial decision of the administrative law judge under § 10.154, either party may appeal to the Commissioner. If an appeal is taken, the time for filing a cross-appeal expires 14 days after the date of service of the appeal pursuant to § 10.142 or 30 days after the date of initial decision of the administrative law judge, whichever is later. An appeal or cross-appeal by the respondent will be filed and served with the Director in duplicate and will include exceptions to the decisions of the administrative law judge and supporting reasons for those exceptions. If the Director files the appeal or cross-appeal, the Director shall serve on the other party a copy of the appeal or cross-appeal. The other party to an appeal or cross-appeal may file a reply brief. A respondent's reply brief shall be filed and served in duplicate with the Director. The time for filing any reply brief expires thirty (30) days after the date of service pursuant to § 10.142 of an appeal, cross-appeal or copy thereof. If the Director files a reply brief, the Director shall serve on the other party a copy of the reply brief. Upon the filing of an appeal, cross-appeal, if any, and reply briefs, if any, the Director shall transmit the entire record to the Commissioner.

* * * * *

Dated: December 7, 1995.

Bruce A. Lehman,

Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

[FR Doc. 95–30340 Filed 12–13–95; 8:45 am]

BILLING CODE 3510–16–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA141–1–7247; FRL–5326–7]

Approval and Promulgation of State Implementation Plans; California—Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving certain provisions in the state implementation plan (SIP) revision submitted by the State of California. The California Air Resources Board (CARB) adopted these provisions on November 15, 1994, as part of ''The 1994 California State Implementation Plan for Ozone.'' The portions of the SIP approved today are commitments by the CARB to adopt regulations for various mobile source and consumer product categories by particular dates to achieve specific emission reductions of volatile organic compounds (VOC) and oxides of nitrogen (NO_X) in order to attain the national ambient air quality standards (NAAQS) for ozone.

The effect of EPA's approval of these commitments is to incorporate the commitments into the federally approved SIP. EPA is approving the commitments under provisions of the Clean Air Act (CAA or ''the Act'') regarding EPA actions on SIP submittals and general rulemaking authority because these revisions strengthen the SIP.

EFFECTIVE DATE: This approval is effective on January 16, 1996.

ADDRESSES: Materials relevant to this rulemaking are available for review at the following location: Office of Federal Planning (A–1–2), Air and Toxics Division, Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901. Interested persons may make an appointment with Ms. Virginia Petersen at (415) 744–1265, to inspect the docket at EPA's San Francisco office on weekdays between 9 a.m. and 4 p.m.

A copy of the SIP submittal is also available for inspection at the address listed below: California Air Resources Board, 2020 L Street, Sacramento, California.

FOR FURTHER INFORMATION CONTACT: Julia Barrow (415) 744–2434, at the Office of Federal Planning (A–1–2), Air and Toxics Division, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, California, 94105–3901.

SUPPLEMENTARY INFORMATION: On August 21, 1995 (60 FR 43421), EPA proposed to approve certain State commitments included in Volume II of the California Ozone SIP, ''The Air Resources Board's Mobile Source and Consumer Products Elements.'' These commitments were originally submitted on November 15, 1994, were subsequently updated, corrected, and resubmitted on December 29, 1994, and were found to be complete on January 30, 1995 and April 18, 1995, pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51 Appendix V.[1]

[1] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

EPA is today finalizing approval of the State's commitments listed below, in advance of CARB adoption of regulations. EPA is finalizing SIP approval of these enforceable CARB commitments under section 110(k)(3) and 301(a) for their strengthening effect. The CARB commitments approved today are as follows:

Measure M3, Accelerated Ultra-Low Emission Vehicle (ULEV) requirement for Medium-Duty Vehicles (MDVs), adoption 1997, implementation 1998–2002, South Coast reductions in 2010—32 tons per day (tpd) NO_X, 4 tpd reactive organic gases (ROG). These reductions will be achieved by an increase in MDV ULEVs, as currently defined by CARB, from 10 percent of sales of new MDVs in 1998 model year to 100 percent in 2002 and later model years.

Measure M5, Heavy-Duty Vehicles (HDVs)—NO_X regulations, adoption 1997, implementation 2002, South Coast reductions in 2010–56 tpd NO_X, 4 tpd ROG. These reductions will be achieved by CARB adoption of a 2.0 gram per brake horsepower-hour NO_X exhaust emission standard for new heavy-duty truck engines sold in California beginning in 2002, or by implementation of alternative measures which achieve equivalent or greater reductions. Alternatives under consideration include expanded introduction of alternative-fueled and low-emission diesel engines through demand-side programs and incentives, retrofit of aerodynamic devices, reduced idling, and speed reduction.

Measure M8, Heavy-Duty Gasoline Vehicles (HDGVs)—lower emission standards, adoption 1997, implementation 1998–2002, South Coast reductions in 2010—3 tpd NO_X. These reductions will be achieved by application of 3-way catalyst technology in HDGVs will obtain 50 percent reductions of NO_X and ROG emissions from these engines.

Measure M11, Industrial Equipment, Gas & LPG—three-way catalyst technology, adoption 1997, implementation 2000–2004, South Coast reductions in 2010—14 tpd NO_X, 29 tpd ROG. Emission standards for new engines greater than 25 hp and less than 175 hp will be phased in beginning in 2000, based on the use of closed-loop 3-way catalyst systems, which are expected to reduce ROG by 75 percent and NO_X by at least 50 percent.

Measure CP–2, Mid-Term Consumer Products (''Phase II''), adoption July 1997, reductions in 2005—25 percent reduction beyond currently adopted CARB regulations, South Coast reductions in 2010—34 tpd ROG.